IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION NO : 4120 of 2005

Between:

AFDT Junior College High School, Malikipuram, East Godavri

District, Rep. by its correspondent Sri M.V.Satyanarayana Murthy

S/o.Satyanarayana Murthy, R/o.Malikipuram, East Godavari District.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep. By its Secretary, School Education,

Secretariat, Hyderabad.
2 Commissioner and Director of School Education, A.P.Hyderabad
3 The District Educational Officer East Godavari District Krishna.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a writ of Mandamus declaring the action of the respondents in seeking to stop the process of selection and recruitment to the vacant aided posts in the petitioner institution despite the permission was granted by the authorities for the process of selection and advertisement was already given, as being arbitrary and illegal and mala fide, violating Articles 14 of the Constitution of India and issue consequential direction to the respondents to permit the petitioner management to go ahead with the process of selection/recruitment of aided vacant posts in the petitioner institution and release grant in favour of the recruitees and issue such other

writ or order or orders as deemed fit and proper in the circumstance of the case.

Counsel for the Petitioner:MR.CH.SAMSON BABU

Counsel for Respondents 1 to 3: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following ORDER:

The petitioner is a private aided Junior College High School in East Godavari district. Certain vacancies are said to have arisen, on account of retirement of the incumbents in the aided posts. It is stated that the Government accorded permission, through its proceedings, dated 24.12.2003, to fill up the vacancies, but further steps were prevented on account of a ban imposed by the Government, through its proceedings, dated 20.10.2004. The petitioner contends that since the ban came to be imposed subsequent to the grant of permission, it cannot be prevented from proceeding with the selection and appointment of the posts.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

Under the relevant provisions of the A.P. Education Act, 1982 and the Rules made there under, permission of the Government is necessary to fill up the posts in the aided institutions. The petitioner applied to the authorities concerned, seeking permission to fill the existing vacancies in the aided posts. On verification of the matter, the permission was accorded on 24.12.2003. The further steps need to be taken in accordance with the procedure prescribed by the Government, namely publication of advertisement, constitution of Selection Committee etc. Before such steps were taken, the Government imposed ban on filling up of aided vacancies, through its order, dated 20.10.2004. The question as to whether the ban so imposed would prevent the institutions from filling the

vacancies, for which permission was already accorded, was considered by this Court in W.P.No.24559 of 2004. It was held that the ban imposed by the Government does not have any effect on the permissions, which are already granted before 24.10.2004.

Following the same, the writ petition is disposed of, leaving it open to the petitioner to fill the vacancies, on the basis of the permission accorded to it on 24.12.2003, duly following the relevant procedure. There shall be no order as to costs.

10.03.2005

ksld

To

1 The Secretary, State of Andhra Pradesh, School Education,

Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, A.P.Hyderabad
3 The District Educational Officer East Godavari District Krishna.

4 Two C.Cs. to the Government Pleader for School Education, High Court of A.P., Hyderabad, (OUT).

5 2 CD copies.

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